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Report of the Working Group on the Universal Periodic Review*

Tuvalu

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its thirtieth session from 7 to 18 May 2018. The review of Tuvalu was held at the 6th meeting, on 9 May 2018. The delegation of Tuvalu was headed by the Prime Minister of Tuvalu, Enele Sosene Sopoaga. At its 10th meeting, held on 11 May 2018, the Working Group adopted the report on Tuvalu.

2. On 10 January 2018, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Tuvalu: Mexico, Mongolia and Senegal.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Tuvalu:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/30/TUV/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/30/TUV/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/30/TUV/3);

4. A list of questions prepared in advance by Brazil, Germany, Liechtenstein, Portugal, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Tuvalu through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The Prime Minister of Tuvalu, Enele Sosene Sopoaga, presented the national report. He emphasized that the preparation of the report had followed a broad-based consultative approach that was inclusive and constructive. The report highlighted achievements, challenges and constraints and set out the way forward for the country's strategy for the promotion and protection of human rights.

6. The fundamental human rights of Tuvaluans as a people, and the rights of Tuvalu as a sovereign State, were grossly challenged by unique vulnerabilities to external forces that were beyond the country's capability to cope.

7. Since the previous report under the universal periodic review, the adverse impacts of the 2008 global economic crisis had even reached nations as remote as Tuvalu. That had resulted in a severe reduction in employment of the country's trained seafarers on merchant ships worldwide, losses in foreign investment in the Tuvalu Trust Fund and losses in revenue from remittances. Severe tropical cyclones had hit the islands, and there had been increased erosion, salinity in fresh water, long droughts and other environmental degradation, which the Government strongly believed to be effects of climate change and sea-level rise.

8. Tuvalu, a least developed country and small island developing State, had been largely left on its own with respect to ensuring the provision of services vital to the promotion and protection of the human rights of its people.

9. Unless the Human Rights Council and States Members of the United Nations fully recognized the unique vulnerabilities of Tuvalu and other small island developing States, took urgent concrete action to respond to the problem of climate change and provided special partnership opportunities for small island developing States, the fundamental rights

of Tuvaluans to sustainable development and to survive as a people would be severely compromised. The Council must follow up its words with action.

10. The Constitution of Tuvalu, which provided for the full recognition of human rights, continued to be recognized as the supreme, and basic, law of the country. Protection and promotion of human rights and freedoms was derived from and based on the Constitution. All laws, and all acts done under a law, must be reasonably justifiable and democratic. When determining whether a law or act was reasonably justifiable and democratic, the courts could take into account: (a) traditional standards, values and practices, as well as previous laws and judicial decisions, of Tuvalu; (b) law, practices and judicial decisions of other countries that the court reasonably regarded as democratic; and (c) international conventions, declarations, recommendations and judicial decisions concerning human rights.

11. Within its limited resources, Tuvalu would continue to work towards the full realization of human rights for the people of Tuvalu, in all sectors of development and of the community.

12. A constitutional review, which involved nationwide consultations, was currently under way and set to be finalized in 2019. Proposed changes included adding gender and disability as grounds on which discrimination was prohibited. Also being considered in the review were models and structure of governance, the traditional and cultural rights of island communities, the response to climate change and the social impact of cybercrime.

13. Tuvalu was committed to achieving the targets of the 2030 Agenda for Sustainable Development. In its national strategy for sustainable development, formulated in 2015, and with a vision of a more protected, secure and prosperous Tuvalu and healthier people who were more engaged in national, regional and international forums, the Government had identified — and the people had supported — 12 areas of priority, including targets on climate change, governance, development of outer islands, social development, infrastructure development and oceans.

14. Education and health services, including the costly Tuvalu Medical Treatment Scheme for referrals, were provided for by the Government and almost 100 per cent of the population had access to electricity. Per capita income had increased greatly over the past few years. There was still an urgent need to improve infrastructure for connectivity and better nation-building.

15. Climate change was the most serious existential threat for Tuvaluans as a people and Tuvalu as a sovereign State. Concrete action to reduce greenhouse gas emissions and to provide adequate funding for mitigation and adaptation actions for small island developing States was urgently needed. The seriousness of the threat had been noted in, among other documents, the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the 2030 Agenda. In its statement for 2018, the Commonwealth Heads of Government Leaders had called for a new paradigm shift for responses and action by the international community.

16. The increasing frequency in which effects of climate change had been felt been well documented worldwide. Those effects threatened the full and effective enjoyment by Tuvaluans of their rights to life, water and sanitation, food, health, housing, self-determination, culture and development.

17. Tuvalu was currently active in the development of the guidelines for the implementation of the Paris Agreement. It had also proposed two initiatives related to climate change, including with respect to the establishment of the Pacific Islands Climate Change Insurance Facility and the adoption of a General Assembly resolution to give protection to people displaced by the impacts of climate change.

18. Tuvalu was mainstreaming climate change action into its national strategy for sustainable development and the budget. It had established the Climate Change and Disaster Survival Fund, and national strategies on its nationally determined contributions and national action plans. It had embarked on a coastal adaptation project, funded by the Green Climate Fund, to construct protective sea walls for all its islands. Education and capacity-building were extremely vital — a more educated population would cope better with the effects of climate change and sea-level rise.

19. Relocation of Tuvaluans to other lands was not an option. The Government was fully committed to protecting Tuvalu against the onslaught of climate change. The Prime Minister called on the international community to do what was right, in the manner provided under the Paris Agreement. The United Nations, including the Human Rights Council, was duty-bound and morally obligated to provide leadership to keep the "world canoe" buoyant.

20. The national creed, which could be translated as "Tuvalu for the Almighty", was the foundation of the country's social and cultural beliefs and the basis of the country's nationhood. Tuvaluans held dear their God-given traditional values and cultural practices and their communal way of living, respecting each other and living alongside and helping each other to ensure human security and dignity for every Tuvaluan. Tuvalu needed, however, to improve its development to independently support the development and protection of human rights in the country.

21. Tuvalu had ratified a number of international conventions dealing with human rights, and the Government was committed to fulfilling the requirements and obligations under those conventions.

22. On the ground, a number of initiatives had made progress with the partnership of bilateral donors and regional bodies. The Government hoped that the Human Rights Council could also make a contribution to help Tuvaluans.

23. Tuvalu, with the help of partners, had made a number of improvements to its existing legislation, particularly in laws on child protection, persons with disabilities, women, and persons in vulnerable situations. There was also increased recognition of the rights of island communities and governance on each of the nine islands of Tuvalu. Special support, through policies and action, was provided in the areas of women's development, gender balance, the treatment of women, and youth issues.

24. Tuvalu would continue to honour and implement the policies referred to in its national report, and thus fulfil its human rights obligations. It would also make improvements through the implementation of its human rights action plan and its policies on the protection of children in all education institutions, on gender, on disability, on young people and on sustainable and integrated water and sanitation. The Government was providing $70 per month per person for seniors and persons with disabilities. While that was a large sacrifice for a small island like Tuvalu, the country was committed to the initiative, which would continue.

25. The country was facing a number of critical challenges, including a lack of technical and specialist expertise, a lack of opportunities, a lack of financial support, difficulty securing durable and genuine partnerships, climate change issues and the isolation of Tuvalu from the centre of influence, which was a source of disadvantage and vulnerability.

26. The Prime Minister pointed out that he and his delegation had travelled halfway around the globe, which represented a heavy carbon footprint, to satisfy the reporting requirements of the Human Rights Council.

27. Reiterating the appeal made by the Prime Minister in 2009 during the presentation of the country's first report under the universal periodic review, the delegation stated that the United Nations, including the Human Rights Council, must establish a physical presence in Tuvalu and the Pacific to ensure durable, responsive and genuine partnerships on human rights. The delegation expressed appreciation for the decision of the Government of Australia to establish a full-fledged high commission in Tuvalu. That could be a critical conduit for others.

28. At the end of June 2018 Tuvalu would host the Polynesian Leaders Group Summit in Funafuti, during which there would be extensive dialogue on climate change and biodiversity in small island developing States.

29. The Prime Minister invited the representatives at the Human Rights Council to visit Tuvalu and see for themselves the beauty and culture of the country and its exposure to the elements of climate change and sea-level rise. He also invited them to the Pacific Islands Forum leaders summit, which Tuvalu would be hosting again in 2019.

30. The Prime Minister thanked a number of countries and partners for the support provided to Tuvalu in dealing with its challenges.

31. The representative of China raised a point of order, stressing that in accordance with General Assembly resolution 2758, there was only one China, and asking the President to remind delegations to use, when referring to Taiwan, its official name at United Nations, that is, Taiwan Province of China.

32. The President explained that the Secretariat would strictly abide by General Assembly resolution 2758 in the report it would prepare in connection with the universal periodic review of Tuvalu. The Assembly had recognized in that resolution that the representatives of the People's Republic of China were the only legitimate representatives of China to the United Nations. The President recalled that national reports were not part of the outcomes, which were adopted by the Human Rights Council in plenary sessions.

33. The delegation of Tuvalu thanked the President for his clarifications. It emphasized that the partnership of the Human Rights Council was critical as Tuvalu strove to fully realize its commitments to the protection of fundamental human rights and the promotion of its people.

34. The delegation urged the international community, especially the Human Rights Council, to hear the voices of Tuvalu and the Pacific, and all small island developing States, especially those of their young people, women and persons with disabilities, and to urgently fulfil their responsibilities by taking action on adaptation and urgently reducing greenhouse gas emissions.

B. Interactive dialogue and responses by the State under review

35. During the interactive dialogue, 48 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

36. The United States of America noted that protections for children, including young girls, were inadequately addressed in the penal code and that consensual adult same-sex sexual conduct remained criminalized. It also noted existing laws, customs and practices that discriminated against persons with disabilities.

37. Uruguay noted the progress made in areas such as gender equality and women's rights and encouraged Tuvalu to redouble its efforts to combat discrimination and violence against women and girls.

38. The Bolivarian Republic of Venezuela noted positively the national action plan on human rights for 2016 to 2020, the recent establishment of a national human rights institution, and the National Strategy for Sustainable Development for 2016 to 2020, which laid the groundwork for improving the lives of people in the country. It also expressed appreciation for measures taken to improve the health system and the availability of housing.

39. Afghanistan encouraged Tuvalu to strengthen the process of transposing the content of international conventions into national laws and policies.

40. Algeria welcomed the adoption of the Tuvalu national action plan on human rights for 2016 to 2020. It commended Tuvalu for improving health access for the inhabitants of remote islands, for having reduced maternal mortality and for its remarkable achievements in the field of education.

41. *Armenia* expressed appreciation for the adoption of measures such as the Family Protection and Domestic Violence Act of 2014 and the national action plan on human rights for 2016 to 2020, and for the effective cooperation with United Nations mechanisms, including the extension of a standing invitation to the Human Rights Council special procedure mandate holders.

42. Australia noted that Tuvalu was working towards ratifying core human rights treaties and their optional protocols. While remaining concerned about violence against

women. Australia welcomed the adoption of the Family Protection and Domestic Violence Act of 2014.

43. Brazil congratulated Tuvalu for the adoption of the national action plan on human rights for 2016 to 2020 and of the National Strategy for Sustainable Development for 2016 to 2020, recognizing the major challenges faced by Tuvalu in relation to climate change and natural disaster. Brazil encouraged Tuvalu to fully incorporate the principle of equality of women and men into its Constitution.

44. Canada welcomed the introduction by Tuvalu of a national action plan on human rights, the consolidation of existing human rights treaty obligations and efforts to ensure that human rights continued to be prioritized in government policymaking. Canada commended Tuvalu for implementing the Family Protection and Domestic Violence Act in 2014 to provide children and adults with greater protection from domestic violence.

45. Chile was concerned by the application of corporal punishment on children and urged Tuvalu to eliminate that pernicious practice. Chile was of the view that efforts to fight climate change should involve the society as a whole and have a focus on human rights.

46. The Congo welcomed the adoption of the national action plan on human rights for 2016 to 2020, the establishment of a national steering committee on disability and an advisory committee on child rights, and the extension of a standing invitation to the Human Rights Council special procedure mandate holders. The Congo encouraged Tuvalu to finalize its engagement for the ratification of international instruments.

47. Costa Rica congratulated Tuvalu for its adoption of the national action plan on human rights for 2016 to 2020 and the bill to establish a national human rights institution. It urged Tuvalu to continue with the integration of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women into national laws and policies. Costa Rica noted the impact that climate change had on the attainment of human rights and that the geographical reality of Tuvalu meant that the country's vulnerability to the effects of climate change was greater than that of countries in other regions of the world.

48. Cuba stated that, as a small island developing State, Tuvalu faced numerous challenges, some of which, such as climate change, posed a direct danger to the very existence of the country. Despite those challenges, the authorities of Tuvalu had made important efforts to promote and protect human rights in the areas of education and health, taking specific measures to maintain the progress made in relation to the rights of young people and women.

49. Denmark highlighted that the Convention against Torture Initiative, which worked through government-to-government exchange and cooperation, stood ready to explore avenues to assist the Government of Tuvalu in making advances on the issue of ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

50. France recognized that Tuvalu had made concrete efforts, such as the adoption of the national human rights action plan, in the field of human rights, despite economic, financial and environmental challenges.

51. Georgia acknowledged efforts made by the Government of Tuvalu to harmonize its domestic legislation with its international obligations and implement recommendations received during the previous review cycle. It welcomed the adoption in 2016 of the human rights national action plan for 2016 to 2020. Georgia noted with satisfaction that the Government of Tuvalu had extended a standing invitation to all thematic special procedure mandate holders.

52. Germany recognized the growing participation of women in the health and education sectors, in politics and in civil society, and acknowledged steps taken, such as the adoption of legislation on domestic violence in 2014. However, it remained concerned about continued discrimination and violence, in particular based on gender. In addition, the failure to ratify core human rights instruments, such as the International Covenant on Civil and

Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, caused further apprehension regarding the safety of marginalized groups.

53. Ghana commended the endorsement by the Government of Tuvalu of several measures to promote and protect the human rights of its citizens and to ensure that the provisions of international human rights instruments were reflected in domestic legislation and policies. It welcomed, in particular, the national action plan on human rights for 2016 to 2020 and the report of the Scoping Study Team on the feasibility and options for the establishment of a national human rights institution. Ghana congratulated Tuvalu for participating in the Convention against Torture Initiative regional seminar held in Fiji in 2016, and commended the Government's commitment to acceding to the Convention against Torture.

54. Guyana congratulated the Government of Tuvalu on the presentation of its comprehensive report for the third cycle of the universal periodic review. It called for the Government to be commended for its efforts in promoting and protecting human rights among its people, as evidenced in the human rights national action plan for 2016 to 2020, which served as a concrete step towards fulfilling the country's international obligations and strengthening national efforts in realizing human rights in Tuvalu. It also commended Tuvalu for the adoption of amendments and legislation to harmonize its domestic laws with its international obligations.

55. Haiti commended the efforts and progress made in the promotion and protection of human rights in Tuvalu, in particular the adoption, in 2016, of the national action plan on human rights for 2016 to 2020, the first plan of its kind in the Pacific; the implementation of the National Strategy for Sustainable Development; the improvement in access to health care for the inhabitants of the peripheral islands; the considerable reduction in the maternal mortality rate; and the fight for climate justice on the world stage.

56. Honduras welcomed the important achievements in the implementation of the recommendations accepted by Tuvalu during the previous cycle. It welcomed the process of constitutional review initiated by Tuvalu with the technical support of the United Nations Development Programme (UNDP) and the willingness to address human rights issues relating to freedom of religion, gender equality, inclusion of marginalized groups and protection of the environment. It commended the commitment and cooperation of Tuvalu with the Human Rights Council in extending an open invitation to the special procedure mandate holders, as well as with the Regional Office of the United Nations High Commissioner for Human Rights.

57. Iceland welcomed the adoption of the Family Protection and Domestic Violence Act of 2014. It regretted, however, that despite having accepted, during the second review cycle, to increase efforts to swiftly ratify fundamental human rights treaties, that action had yet to be taken.

58. Indonesia noted with appreciation the decision to accept two recommendations made by Indonesia during the second review cycle, regarding the implementation of the Police Powers and Duties Act and efforts to strengthen measures to ensure respect and protection for vulnerable groups, including women and persons with disabilities. Indonesia commended the positive developments in Tuvalu, in particular the adoption of the human rights national action plan for 2016 to 2020 and the Act of 2017 on the national human rights institution. Indonesia also welcomed the initiative to conduct a constitutional review, with UNDP-led technical support, in order to address a number of issues pertaining to freedom of religion, gender equality, the inclusion of marginalized populations and protection of the environment.

59. Iraq commended the amendments and legislation adopted by Tuvalu as a step towards harmonizing its legislation with its international obligations, as well as the human rights national action plan for 2016 to 2020. Iraq encouraged Tuvalu to complete the steps to ratify the Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination.

60. The delegation of Tuvalu responded to questions raised by stating that Tuvalu was currently conducting a comprehensive review of its Constitution and that the Government would incorporate into that process considerations regarding accession to, or the signing and ratification of, relevant human rights conventions.

61. The Prime Minister wished to work closely with the Human Rights Council in addressing reporting requirements. Acceding to and ratifying international conventions required extensive work. The Government was fully committed to signing and acceding to the relevant conventions.

62. The Government was working hard with communities to legislate against and repress discrimination based on sex or race, and violence. The Prime Minister was unaware of any provisions in the laws of Tuvalu that explicitly enabled discrimination, and would need to be advised on that matter.

63. With regard to sexual orientation, there were cultural practices that needed to be brought into line with international standards. While that approach differed from traditional Tuvaluan culture, the Government was committed to addressing such issues in a manner that was acceptable and that followed international norms.

64. The views and recommendations expressed to Tuvalu on improving the situation with respect to torture were appreciated, but the Prime Minister was unaware of any torture-related actions in the country. He requested clarification on that issue.

65. The Prime Minister thanked Member States, in particular Cuba and Guyana, for their encouragement regarding measures to address climate change.

66. The Government of Tuvalu had waived all school fees at the primary and secondary levels for all children, including girls.

67. The Government would ratify the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization, and implement it during fourth cycle of the universal periodic review.

68. Tuvalu had championed the concept of human rights action plans not only in the country but also in the Pacific region. It encouraged current initiatives undertaken with relevant domestic stakeholders to promote and protect human rights.

69. Ireland welcomed the adoption in 2016 of the human rights national action plan for 2016 to 2020 and the recent progress made in relation to the creation of a national human rights institution. It encouraged the Government of Tuvalu to expedite the establishment of the institution in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Ireland recognized the positive recent developments in relation to corporal punishment. It noted that Tuvalu had not become a party to several of the core human rights treaties.

70. Israel noted the country's commitment to the protection and advancement of human rights, as demonstrated in its reports to the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. It noted with satisfaction the adoption in 2016 of the human rights national action plan for 2016 to 2020, and encouraged its continued implementation. Israel acknowledged the country's commitment to the fulfilment of the basic needs of its citizens, in the face of severe developmental and climatic challenges.

71. Italy welcomed the commitment of Tuvalu to the universal periodic review and its effort to improve the promotion and protection of human rights in the country. It commended the authorities of Tuvalu for the accession, in 2013, to the Convention on the Rights of Persons with Disabilities. It congratulated Tuvalu on the approval of a national action plan for human rights, in 2016, which mainly focused on economic and social rights, such as the rights to education, to health, to food and to water.

72. Jamaica commended Tuvalu for its commitment to improving the quality of life of its citizens, as outlined in the National Strategy for Sustainable Development for 2016 to 2020, including with respect to the right to housing, employment and voting. It also commended Tuvalu on its human rights national action plan for 2016 to 2020, noting that it

was the first plan of its kind in the Pacific. Jamaica further commended Tuvalu for taking full advantage of technical assistance provided by UNDP to address issues related to freedom of religion, gender equality, the inclusion of marginalized populations and protection of the environment. It commended Tuvalu for achieving near universal primary enrolment through its initiative on compulsory free education.

73. Maldives commended Tuvalu on the adoption of the human rights national action plan for 2016 to 2020, and its efforts to consolidate the existing human rights commitments of Tuvalu for the full realization of human rights. It welcomed the National Strategy for Sustainable Development for 2016 to 2020 and the progress towards the achievement of the global goals. It also welcomed the achievement of near universal primary enrolment and the provision of free education for children between the ages of 6 and 16.

74. Mexico recognized that Tuvalu, as a small island country with low coastal areas, needed to constantly address priorities derived from climate change, which could hinder the effective exercise of human rights. It commended Tuvalu for its cooperation with the United Nations system to meet its international obligations. Mexico noted with appreciation concrete action taken in the area of human rights, such as the adoption of the national human rights plan and the national plan for sustainable development, and the beginning of a consultation process aimed at reforming the Constitution. Mexico urged Tuvalu to continue its cooperation with international organizations in order to implement its human rights obligations.

75. Montenegro encouraged Tuvalu to continue cooperating with the United Nations to accede to key international human rights instruments and to review existing legislation to ensure equality and non-discrimination. It regretted that corporal punishment could be used by parents and guardians.

76. Morocco welcomed the commitments of Tuvalu to international standards and cooperation with United Nations bodies. It noted the establishment of a national human rights action plan and policies to promote gender equality and to combat violence against women and domestic violence, as well as policies for persons with disabilities.

77. Nepal commended Tuvalu on its adoption of the Act on the national human rights institution and of a national action plan on human rights, linked to its National Strategy for Sustainable Development, and its protection and promotion of the rights of children and persons with disabilities. Nepal expressed understanding of the constraints that Tuvalu, as a least developed country and a country confronting the adverse effects of climate change, faced when creating a platform for inclusive realization of social, economic and other basic rights for all citizens.

78. The Netherlands welcomed the adoption of the Act on the national human rights institution, and the related action plan, and the Family Protection and Domestic Violence Act. However, it noted that discrimination related to gender and sexual orientation existed.

79. New Zealand commended Tuvalu for its commitment to human rights, as set out in the Tuvalu National Human Rights Action Plan 2016–2020, and for the progress made in protecting persons with disabilities since ratifying the relevant international convention.

80. Portugal welcomed the Tuvalu delegation and commended it for adopting the Family Protection and Domestic Violence Act of 2014.

81. The Republic of Korea welcomed the cooperation of Tuvalu with human rights mechanisms, including its standing invitation to special rapporteurs, and its national human rights action plan linking human rights promotion and sustainable development goals.

82. Senegal welcomed the Tuvalu National Human Rights Action Plan 2016–2020 and its timely submission of national reports to the relevant treaty bodies. It noted its encouraging primary education results and improved school enrolment.

83. Serbia welcomed the efforts of Tuvalu to implement recommendations from the second cycle of universal periodic review and its standing invitation to all special procedure mandate holders. Serbia encouraged Tuvalu to take measures to enhance awareness of women's rights and equal treatment.

84. Singapore commended the Government for the concrete steps, taken since the previous review, to advance the human rights of its people despite significant geographic, financial and human resource constraints. It also commended the recent establishment of a national human rights institution.

85. Slovenia welcomed the adoption of the Convention on the Rights of Persons with Disabilities, in 2013, and the efforts Tuvalu had made in the adoption of a national water strategy and a plan of action covering the entire population, in particular those with a lower income.

86. Spain acknowledged the efforts made by Tuvalu to promote and protect human rights, in particular through the adoption of the Tuvalu National Human Rights Action Plan 2016–2020, the first of its kind in the Pacific, and the recent adoption of a bill to establish a national human rights institution.

87. Togo noted that several challenges and constraints, related mainly to the limited resources available and the effects of climate change, had severely undermined the efforts of Tuvalu in implementing the recommendations made during the second cycle and in meeting all commitments for the realization of human rights in the country.

88. Turkey welcomed the adoption of the human rights national action plan for 2016 to 2020 and encouraged the Government to ratify the major international human rights treaties to which it was not yet a party, which would strengthen the domestic legislation with regard to the promotion and protection of human rights, including freedom of religion and belief.

89. Ukraine recognized the commitment by Tuvalu to human rights protection and promotion and noted the efforts taken by its authorities to improve the institutional and legislative framework for human rights. Ukraine commended the achievements of the Government since the previous review cycle, namely, accession to the Convention on the Rights of Persons with Disabilities, adoption of a national action plan on human rights, the first among the Pacific countries, and the law on establishing a national human rights institution. It also commended the extension of a standing invitation to the special procedures of the Human Rights Council.

90. The United Kingdom of Great Britain and Northern Ireland stated that it was aware of the challenges facing Tuvalu, particularly those relating to climate change and providing services on a small scale, and that it was impressed by the Government's level of consultation with civil society in preparation for the review process. It welcomed the steps taken by Tuvalu towards establishing a national human rights institution and encouraged the Government to make use of the Pacific Community's Regional Rights Resource Team, for which the United Kingdom had provided funding.

91. Argentina welcomed the delegation of Tuvalu and thanked it for presenting its report.

92. The Philippines commended Tuvalu for the Tuvalu National Human Rights Action Plan 2016–2020, its strengthening of the Office of the People's Lawyer and its institutionalization of the standard operating procedures for the police. It noted efforts to ratify several international instruments.

93. In its closing remarks, the delegation pointed out that the link between climate change and the 2030 Agenda for Sustainable Development meant that without successful achievement of the 2030 Agenda, Tuvalu could not protect and ensure the enjoyment of human rights. Climate change cut across all development factors and actors. Until the vulnerabilities were addressed and the areas of impact established, protecting and enjoying human rights in small island developing States like Tuvalu would be extremely difficult.

94. Tuvalu had consistently called for effective, enhanced and accelerated action on climate change. It had introduced the issue of insurance facilities in the region and at the United Nations to provide small island developing States with better access to insurance products and systems as tools for coping with climate change impacts. It had also advocated for a General Assembly resolution on protection of the human rights of people displaced by climate change and other human-induced national disasters. Current international legal instruments did not provide the protection that climate change refugees deserved.

95. Tuvalu was formulating legislation, deals and policies despite its constraints and limitations. It appreciated the suggestions of States Members of the United Nations, especially those contributing to its development efforts. It noted the importance of visiting rapporteurs and thematic teams.

96. Tuvalu had missions strategically placed throughout the world that, among other things, were established to facilitate conversation with other countries. Tuvalu should not wait four years for its next universal periodic review to exchange information.

97. Tuvalu would progressively ratify human rights conventions, but a cost/benefit analysis informed by relevant stakeholders was required, and the added value for Tuvalu of ratifying those conventions would need to be determined.

98. In human rights terms, the most challenging issue for Tuvalu was climate change; the Government asked the international community to help advance the initiatives presented by its ambassadors to the United Nations and to the European Union.

99. In closing, the Prime Minister stated that the impacts of climate change on island countries continued to threaten the livelihood of their inhabitants, and re-emphasized the need for urgent, concrete action against climate change.

100. Tuvalu was fully committed not only to honouring its human rights obligations to its own people, but also to sharing its experience and supporting similar efforts in the Pacific and other small island developing States.

II. Conclusions and/or recommendations

101. **The following recommendations will be examined by Tuvalu, which will provide responses in due time, but no later than the thirty-ninth session of the Human Rights Council:**

101.1 **Ratify the international human rights instruments it is not party to (Ghana);**

101.2 **Proceed to a rapid ratification of the main international conventions on human rights (France);**

101.3 **Ratify international instruments to which Tuvalu is not yet part of (Togo);**

101.4 **Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

101.5 **Ratify the International Covenant on Civil and Political Rights (Montenegro);**

101.6 **Accede to the International Covenant on Civil and Political Rights and take steps to raise social awareness and understanding of the rights embodied in the instrument (Canada);**

101.7 **Take steps to ratify the International Covenant on Civil and Political Rights and its Optional Protocols, and incorporate these obligations into domestic legislation (New Zealand);**

101.8 **Ratify the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (Brazil);**

101.9 **Sign and ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as soon as possible (Iceland);**

101.10 **Speed up the efforts to ratify other core human rights treaties, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Slovenia);**

101.11 **Accelerate efforts to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Ireland);**

101.12 **Increase efforts to swiftly ratify the main international human rights instruments, especially the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Italy);**

101.13 **Ratify the International Covenant on Economic, Social and Cultural Rights (Montenegro);**

101.14 **Ratify the International Covenant on Civil and Political Rights and the Optional Protocol thereto on abolishing the death penalty, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine);**

101.15 **Ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Germany);**

101.16 **Ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Australia);**

101.17 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);**

101.18 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Armenia); Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain); Pursue efforts to ratify international instruments such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Morocco); Consider acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Indonesia);**

101.19 **Consider the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile);**

101.20 **Consider adhering to the main human rights international instruments, namely, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Costa Rica);**

101.21 **Consider the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Afghanistan);**

101.22 **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention against Torture (Philippines);**

101.23 **Intensify efforts to ratify remaining major international human rights treaties, including the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocols to the Convention on the Rights of the Child (Georgia);**

101.24 Ratify promptly the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Uruguay);

101.25 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Denmark);

101.26 Accede and ratify the human rights instruments to which it is not yet a party, in particular the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (Honduras);

101.27 Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Iraq);

101.28 Ratify the Convention on the Rights of Persons with Disabilities (Afghanistan);

101.29 Adopt an open, merit-based selection process when selecting national candidates for treaty body elections (United Kingdom of Great Britain and Northern Ireland);

101.30 Ratify the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) (United Kingdom of Great Britain and Northern Ireland);

101.31 Introduce in the Constitution the prohibition against discrimination based on gender and on sexual orientation, at the same level as racial and religious discrimination (France);

101.32 Finalize constitutional changes with an aim to strengthen the non-discrimination clause on a gender and disability basis and take further steps towards empowering them (Georgia);

101.33 That the current constitutional review seek to clarify the principle of equality of women and men (Guyana);

101.34 Proceed with the establishment of an independent national human rights institution, in compliance with the Paris Principles (Algeria);

101.35 Expedite the establishment of the national human rights institution in compliance with the Paris Principles (Ghana) (Nepal) (Spain) (Turkey);

101.36 Take further steps in implementing the National Human Rights Institution Act 2017 towards the full establishment of a national human rights institution that is in full conformity with the Paris Principles (Indonesia);

101.37 Establish the national human rights institution in full compliance with the Paris Principles (Portugal);

101.38 Accelerate its efforts in establishing the national human rights institution in full compliance with the Paris Principles (Ukraine);

101.39 Establish an ombudsman as a mechanism for reception of complaints on human rights violations by State agents (Philippines);

101.40 Establish a national mechanism for reporting and monitoring of its human rights obligations (Honduras);

101.41 Make every effort to ensure appropriate mechanisms for monitoring the implementation of the human rights national action plan for 2016 to 2020 (Jamaica);

101.42 **Continue to resource and progress implementation of its action plan to strengthen the implementation of its international human rights obligations (New Zealand);**

101.43 **Consider the establishment or strengthening of the existing national mechanism for coordination, implementation, reporting and follow-up, in line with elements arising from good practices identified in the 2016 OHCHR guide on national mechanisms for reporting and follow-up (Portugal);**

101.44 **Establish a special national body aimed at regular reporting on measures taken by the national authorities in implementing the Human Rights Council's recommendations (Serbia);**

101.45 **Ensure an adequate institutional framework and the resources to fully implement the Tuvalu National Human Rights Action Plan 2016–2020 (Singapore);**

101.46 **Consider the establishment and implementation of a national mechanism for reporting and follow-up with a view to a constructive and systematic cooperation with the human rights protection system of the United Nations (Togo);**

101.47 **Allocate sufficient budget and human resources to fully implement the Tuvalu National Human Rights Action Plan 2016–2020 (Philippines);**

101.48 **Continue efforts to promote human rights by strengthening the national legislative framework (Morocco);**

101.49 **Adopt policy and legal measures to combat discrimination based on sexual orientation and gender identity (Chile);**

101.50 **Repeal provisions of the penal code that criminalize adult consensual same-sex sexual conduct (United States of America);**

101.51 **Review legislation and amend or repeal any law that discriminates on the grounds of sexual orientation and gender identity, or any other ground, in accordance with the principles of equality and non-discrimination (Uruguay);**

101.52 **Prohibit by law all forms of discrimination, particularly those based on sex or disability (Algeria);**

101.53 **Amend or repeal all sex-related discriminatory legislation and legislation criminalizing consensual same-sex relations to ensure consistency with the principles of equality and non-discrimination (Australia);**

101.54 **Decriminalize consensual sexual relations between adults of the same sex (Honduras);**

101.55 **Repeal all provisions that criminalize consensual same-sex conduct and ensure that anti-discrimination laws cover sexual orientation (Iceland);**

101.56 **Repeal provisions of the Criminal Code that criminalize consensual sexual relation between adults of the same sex (Spain);**

101.57 **Modify or repeal all laws that discriminate on the ground of sexual orientation or gender identity pursuant to the principle of equality and non-discrimination enshrined in international human rights law (Spain);**

101.58 **Consider repealing provisions that outlaw sexual relations between consenting male adults (Italy);**

101.59 **Repeal all provisions that criminalize consensual same-sex conduct and ensure that anti-discrimination laws cover sexual orientation (United Kingdom of Great Britain and Northern Ireland);**

101.60 **Take measures as necessary to remove from the criminal code the offence of consensual sexual relations between persons of the same sex (Argentina);**

101.61 **Amend sections 153–155 of the Penal Code to decriminalize same-sex conduct between consenting adults, as well as prohibit discrimination based on sexual orientation and gender identity (Canada);**

101.62 **Accelerate efforts to incorporate into its legislation at all levels, including at the constitutional level, provisions that prohibit discrimination based on sex, gender and disability (Mexico);**

101.63 **Continue to take steps to actively promote the equal rights of all individuals regardless of gender, religious belief, sexual orientation, age, disability or other status, including by ratifying the International Covenant on Economic, Social and Cultural Rights (New Zealand);**

101.64 **Integrate principles of non-discrimination and equality of women and men into education policies, the national core curriculum and related documents, as well as into basic and continuing education for teachers and health-care professionals and other service providers (Iceland) (Portugal);**

101.65 **Undertake further measures regarding the remaining key areas where improvements need to be made, most notably in relation to vulnerable groups of populations, in particular women, persons with disabilities and children (Ukraine);**

101.66 **Repeal all discriminatory provisions included in the land code (Congo);**

101.67 **Proceed with the implementation of the National Strategy for Sustainable Development and the Tuvalu National Human Rights Action Plan 2016–2020 (Israel);**

101.68 **Strengthen the gender equality perspective in sustainable development policies (Iraq);**

101.69 **Continue to implement climate change mitigation policies to avoid impacts on the fundamental rights of Tuvaluans (Haiti);**

101.70 **Continue implementing policies and programmes aimed at the mitigation of the effects of climate change, taking into consideration a focus on human rights (Costa Rica);**

101.71 **Continue promoting in the international sphere the right to a healthy environment, and the fight against climate change (Cuba);**

101.72 **Assess on a regular basis the impact of climate change and natural disasters on the full enjoyment of human rights by the poor and low-income population, with a view to supporting victims of such disasters (Ghana);**

101.73 **Periodically assess the impact of climate change and natural disasters on the enjoyment of human rights by the poor and support efforts to build their resilience to such disasters (Jamaica);**

101.74 **Redouble efforts with a view to formulating, in coordination with regional organizations and the United Nations, a plan for the management and mitigation of natural disasters that takes into consideration the situation of migrant children and the potential massive displacement of the population (Mexico);**

101.75 **That the Office of the People's Lawyer could be strengthened with the necessary financial, human and technical resources to enable effective representation of those in need of legal aid (Guyana);**

101.76 **That measures could be taken to address perceived restrictions to the freedom of religion (Guyana);**

101.77 **Take measures to fully guarantee freedom of religion or belief, including by addressing concerns from minority religious groups over limitations on their activities in the outer islands (Canada);**

101.78 **Ensure the meaningful participation of all citizens of Tuvalu dispersed in the archipelago in the current process of constitutional revision (Honduras);**

101.79 **Take the necessary measures to modernize Tuvalu's maritime infrastructure, with a view to creating better jobs in the formal sector (Haiti);**

101.80 **Develop initiatives aiming to guarantee access to water and sanitation for all (France);**

101.81 **Pursue efforts to eradicate poverty (Senegal);**

101.82 **Explore all appropriate options to improve access to affordable and adequate health care for citizens on the outer islands, particularly women (Jamaica);**

101.83 **Strengthen human and financial resources of health-care services to enable them to better serve disadvantaged segments of the population (Senegal);**

101.84 **Introduce new dietary practices to reduce obesity (Haiti);**

101.85 **Assign human and financial resources in order to strengthen universal access to sexual and reproductive health services, in particular for women and girls on the outer islands, who are not adequately equipped, with trained midwives and nurses to attend to maternal health and attend to the complications of deliveries (Honduras);**

101.86 **Continue to make efforts to guarantee the right to the enjoyment of the highest attainable standard of health, particularly by ensuring access to health services to all persons living in the country, particularly by installing health centres on the outer islands (Brazil);**

101.87 **Improve health-care infrastructure, access to emergency obstetric care, midwife training, and resources devoted to maternal health (Ghana);**

101.88 **Continue strengthening the programmes and social policies in the areas of education, health and food, paying special attention to the sectors of the population that are most in need (Bolivarian Republic of Venezuela);**

101.89 **Continue strengthening programmes to promote employment and assistance for vulnerable groups in the fight against poverty and social exclusion (Bolivarian Republic of Venezuela);**

101.90 **That the right to education should be treated similarly to other rights in the Constitution (Guyana);**

101.91 **Redouble efforts to increase the quality of education and guarantee the right to education for all, without exclusion (Haiti);**

101.92 **Step up the efforts to improve education infrastructure, in particular basic sanitary facilities (Republic of Korea);**

101.93 **Reform the Penal Code to criminalize marital rape and continue to address customs and social patterns that perpetuate discrimination against women and girls (Canada);**

101.94 **Adopt comprehensive measures, including legislative measures, to prevent and address all forms of violence against women and girls, including sexual violence (Uruguay);**

101.95 **Adopt comprehensive legislative measures to prevent and address all forms of violence against women and girls, and ensure that victims of violence have access to means of redress and protection, and perpetrators are brought to account (Republic of Korea);**

101.96 **Adopt legislative and other measures to prevent and combat all forms of violence against women and girls, including domestic and sexual violence (Spain);**

101.97 **Ensure universal access to sexual and reproductive health services for all women and girls (Uruguay);**

101.98 **Prioritize the full implementation of the Family Protection and Domestic Violence Act of 2014, including by ensuring that women and girl survivors of violence have access to effective means of redress and protection and by raising societal awareness about the content of the Act (Netherlands);**

101.99 **Implement the measures identified in the human rights national action plan to address violence against women, including through community education, police training and stronger recording processes (Australia);**

101.100 **Develop a comprehensive strategy to reduce violence against women, including domestic violence, particularly on the outer islands, by enhancing women's awareness of their rights and identifying ways to combat such violence (Turkey);**

101.101 **Take advantage of the new electoral law to work towards increased participation of women in politics (France);**

101.102 **Promote equality and empowerment of women, particularly in regard to hereditary and custody rights, and strengthen measures against domestic violence (Germany);**

101.103 **Take further measures to protect women and children against all forms of violence (Italy);**

101.104 **Ensure efficient follow-up to the recommendations given by the Committee on the Elimination of Discrimination against Women (Israel);**

101.105 **Take effective measures to promote gender equality and women's empowerment (Nepal);**

101.106 **Review and subsequently amend or repeal legislation entailing gender-based discrimination, including provisions in the Penal Code 1978 and the Marriage Act (Netherlands);**

101.107 **Amend the Penal Code and the Family Protection and Domestic Violence Act in order to criminalize rape in all circumstances (Portugal);**

101.108 **Ensure that a gender perspective is integrated into all climate change and disaster risk reduction policies, bearing in mind that disasters not only disproportionately affect women and girls but also exacerbate existing economic and social inequality across gender (Republic of Korea);**

101.109 **Continue to fight all forms of discrimination, in particular against women (Senegal);**

101.110 **Fully implement the Family Protection and Domestic Violence Act 2014, with the necessary technical assistance of the relevant United Nations agencies such as the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and UNDP where appropriate, expeditiously operationalize the Family Protection Fund, and dedicate the necessary resources to ensure that the family protection and domestic violence baseline study conducted by the office of the Attorney General is comprehensive so as to strengthen the ongoing work to eliminate violence against women in Tuvalu (Singapore);**

101.111 **Work towards the implementation of the women, peace and security agenda in order to guarantee effective participation of women in all aspects of decision-making (Spain);**

101.112 Repeal all discriminatory laws against women which are contrary to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, in particular inequality in access to property rights and the underrepresentation of women in public and political life (Togo);

101.113 Take steps necessary to do away with patriarchal and gender-based stereotypes, which lead to perpetuation of discrimination against women (Argentina);

101.114 Prohibit corporal punishment for disciplining children both at home and in any other area of the society (Uruguay);

101.115 Adopt public policies aiming at the eradication of violence against children, including legal measures to prohibit corporal punishment both in school and in the family (Chile);

101.116 Criminalize child pornography and ensure the law criminally prohibits: procuring, offering, providing, obtaining or using children for prostitution and/or for the production of pornography, or other illicit activities, as well as prohibits the distribution, dissemination, sale and possession of child pornography (United States of America);

101.117 Step up efforts to reduce the mortality rate among children under 5 (Congo);

101.118 That the legislation be amended to ensure equal rights for both parents for children born out of wedlock (Guyana);

101.119 Make further efforts to register all children born on all islands (Haiti);

101.120 Continue its efforts in strengthening the capacity of the Tuvalu Police Force and the Office of the Attorney General in applying child-sensitive justice procedures (Indonesia);

101.121 Continue to work towards the abolition of corporal punishment in all settings, and that awareness-raising campaigns about the negative impact of corporal punishment on the development of children are undertaken (Ireland);

101.122 Continue to strengthen legislative measures by remedying protection gaps to protect all children from both violence and abuse, as recommended by the Committee on the Rights of the Child (Maldives);

101.123 Adopt legislative measures to fully align the juvenile justice system with the relevant international standards, including by repealing the provisions that allow corporal punishment (Mexico);

101.124 Adopt a comprehensive child policy based on the principles and provisions of the Convention on the Rights of the Child (Togo);

101.125 Continue efforts to promote and protect the rights of children and persons with disabilities (Nepal);

101.126 Take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities (United States of America);

101.127 Explore all appropriate options to advance the rights of persons with disabilities, building on existing platforms and with appropriate assistance from the international community (Jamaica).

102. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Tuvalu was headed by The Right Honourable Enele Sosene Sopoaga, Prime Minister of the Government of Tuvalu and composed of the following members:

- Madame Salilo Enele Sopoaga, Prime Minister's Spouse Observer;
- H.E. Aunese Makoi Simati, Ambassador to Belgium;
- H.E. Samuelu Laloniu, Permanent Representative to the United Nations;
- Ms. Laingane Italeli Talia, Acting Attorney General;
- Mr. Filipo Masaurua, Technical Advisor;
- Mr. Efren Jogia, Senior Crown Counsel;
- Ms. Melissa Menefise Ako, Crown Counsel;
- Ms. Teresa Drecala, Child Protection Manager;
- Ms. Solonaima Fioiata Vaguna, Professional Assistant;
- Ms. Loisi Seluka Kenieti, Acting Assistant Secretary for Finance;
- Ms. Lanuola Fasiai, Acting Director for Gender Affairs Department;
- Mr. Soseala Tinilau, Director of Environment;
- Ms. Pepetua Election Latasi, Director of Climate Change and Disaster Unit;
- Mr. Penivao Penete, PM's Bodyguard.